

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

**FILED**  
EB 22 2008  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

PLAINTIFF William J. Whitsitt	COURT CASE NUMBER CV 08-00771-WDB
DEFENDANT Perry Tool & Research, et. al.	TYPE OF PROCESS ***See below***

**SERVE AT** NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR  
Perry Tool & Research  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
3415 Enterprise Avenue, Hayward, CA 94545

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW  William J. Whitsitt 335 W. Clover Road Tracy, CA 95376	Number of process to be served with this Form 285 8
	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available for Service):

Fold  
\*\*\*Summons, Complaint, Case Management Conference Statement, Order re: Application to Proceed In Rem, Papers, Notice of Assignment to a Magistrate Judge, ECF Registration Handout, ADR Booklet and ADR forms \*\*\*  
**ENTERED**  
RECEIVED  
UNITED STATES MARSHAL  
NORTHERN DISTRICT OF CALIFORNIA - OAKLAND  
2008 FEB 8 PM 2:31

Signature of Attorney or Originator requesting service on behalf of: Cynthia J. Lenahan	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 510-637-3538	DATE 2/7/08
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 11	District to Serve No. 11	Signature of Authorized USMS Deputy or Clerk Hima	Date 2/13/08
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above) Mike Fusselman OFFICE MANAGER	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date 02-20-08
	Time 1315
	Signature of U.S. Marshal or Deputy [Signature]

Service Fee \$45.00	Total Mileage Charges including endeavors -	Forwarding Fee -	Total Charges \$45.00	Advance Deposits	Amount owed to U.S. Marshal or (Amount of Refund*) \$0.00
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REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

## **INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

**United States District Court**  
**NORTHERN DISTRICT OF CALIFORNIA**

WILLIAM J. WHITSITT

**SUMMONS IN A CIVIL CASE**

CASE NUMBER: CV 08-00771 WDB

**V.**

PERRY TOOL & RESEARCH, ET. AL.

TO:

PERRY TOOL & RESEARCH  
3415 Enterprise Avenue  
Hayward, CA 94545

Dave Bowa  
C/O PERRY TOOL & RESEARCH  
3415 Enterprise Avenue  
Hayward, CA 94545

Dave Burton  
C/O PERRY TOOL & RESEARCH  
3415 Enterprise Avenue  
Hayward, CA 94545

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF

William J. Whitsitt  
335 W. Clover Road  
Tracy, CA 95376

an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

*Richard W. Wiskey*  
CLERK

February 7, 2008  
DATE

*Cynthia Lenahan*  
Cynthia Lenahan  
(BY) DEPUTY CLERK

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>

DATE

2/20/08

Name of SERVER (PRINT)

Zanca

TITLE

DUSM

Check one box below to indicate appropriate method of service

Served Personally upon the Defendant. Place where served: Mr. Fuggelman - office manager  
at Perry Tool in Hayward

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_



Returned unexecuted: \_\_\_\_\_



Other (specify): \_\_\_\_\_

## STATEMENT OF SERVICE FEES

TRAVEL

\$45.00

SERVICES

-

TOTAL

-

\$45.00

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

2/22/08

Date

Signature of Server

Ferna - Admin Support  
ASST.

Address of Server

Federico Rocha  
J-S. Macgual

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.